

REMARKS

In the Office Action, the Examiner objected to the arrangement of the specification because cross references to related applications were allegedly placed in an improper section of the specification. Applicant respectfully disagrees and notes that the present application is not a continuation, a divisional, or a continuation-in-part of the applications incorporated by reference on pages 11-14 of the specification. Accordingly, Applicant respectfully submits that these applications are cited in the appropriate part of the specification. See MPEP 201.11. Applicant requests that the Examiner's objection to the specification be withdrawn.

Claim 29 has been canceled. Thus, claims 1-28 are pending in the present application.

In the Office Action, the Examiner objected to claim 29 for allegedly failing to further limit the claimed invention. Claim 29 has been canceled, rendering the Examiner's objection to this claim moot.

In the Office Action, claims 1-7 were rejected under 35 USC 101 because the claimed invention was allegedly directed to non-statutory subject matter. Applicant respectfully disagrees. As discussed in the specification, some aspects of the invention may be implemented in software. Thus, some portions of the detailed descriptions are presented in terms of a software-implemented process involving symbolic representations of operations on data bits within a memory of a computing system or computing device. These descriptions and representations are the means used by those in the art to convey most effectively the substance of their work to others skilled in the art using both hardware and software. The process and operation of both require physical manipulations of physical quantities. In software, usually, though not necessarily, these quantities take the form of electrical, magnetic, or optical signals capable of being stored, transferred, combined, compared, and otherwise manipulated. It has

proven convenient at times, principally for reasons of common usage, to refer to these signals as bits, values, elements, symbols, characters, terms, numbers, or the like.

However, these and similar terms are to be associated with the appropriate physical quantities and are merely convenient labels applied to these quantities. These descriptions refer to the action and processes of an electronic device that manipulates and transforms data represented as physical (electronic, magnetic, or optical) quantities within some electronic device's storage into other data similarly represented as physical quantities within the storage, or in transmission or display devices. Exemplary of the terms denoting such a description are, without limitation, the terms "processing," "computing," "calculating," "determining," "displaying," and the like.

For at least the aforementioned reasons, Applicant respectfully submits that the subject matter set forth in claims 1-7 is tied to a technological art, environment, or machine that results in a practical application producing a concrete, useful, tangible result. Thus, Applicant respectfully submits that the subject matter set forth in claims 1-7 is statutory subject matter and request that the Examiner's rejections of these claims under 35 USC 101 be withdrawn.

In the Office Action, claims 7 and 21 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner alleges that the term "substantially" renders these claims unclear. Applicant respectfully disagrees. First, Applicant notes that the term "substantially" does not appear in claim 21. Second, Applicant notes that the fact that claim language may not be precise does not automatically render the claim indefinite. Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed in light of the specification. See

MPEP 2173.05(b). Applicant respectfully submits that a person of ordinary skill in the art having benefit of the present disclosure would understand what is claimed by claim 7, which sets forth a preselected time that substantially corresponds to the amount of time required for a task to complete executing.

Applicant respectfully requests that the Examiner's rejections of claims 7 and 21 under 35 U.S.C. § 112, second paragraph, be withdrawn

In the Office Action, claims 1-3, 5-13, 15-17, 19-22, 24-25, and 27-29 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gulick (U.S. Patent No. 6,704,763) in view of Hashimoto (U.S. Patent Publication No. 2003/0061526). Claims 4, 14, 18, 23, and 26 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gulick in view of Hashimoto and further in view of Kaneko (U.S. Patent No. 5,349,656). Claim 29 has been canceled, rendering the Examiner's rejection of this claim moot. The Examiner's remaining rejections are respectfully traversed.


The present application was filed on January 11, 2002. Gulick was filed on June 9, 1998 and issued on March 9, 2004. Accordingly, Gulick is only available as prior art under 35 U.S.C. 102(e). According to MPEP §706.02(l)(1), "effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention 'were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.' " The present application was filed on or after November 29, 1999. Furthermore, the present application and Gulick were, at the time the present invention was made, owned by the same entity or subject to an obligation of assignment to the same entity. Thus, Applicant respectfully submits that Gulick is not available as prior art in any obviousness

determination. Applicant requests at the Examiner's rejections of claims 1-28 under 35 U.S.C. 103(a) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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